

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: ZIMMER NEXGEN KNEE)
IMPLANT PRODUCTS) MDL No. 2272
LIABILITY LITIGATION)
)
)
)

This Document Relates to All Cases Master Docket Case No. 1:11-cv-05468

Hon. Rebecca R. Pallmeyer

**PLAINTIFFS' RESPONSE TO ZIMMER'S REQUEST FOR ORAL ARGUMENT
ON ITS MOTION TO DISMISS THE MASTER COMPLAINT**

If the Court finds that oral argument would help to highlight the issues which will have been covered in 120 pages of collective briefing, Plaintiffs do not oppose oral argument on Defendants' Motion to Dismiss. Plaintiffs respond to Defendants' request, however, with two short notes of concern. First, if oral argument is to be held, it should be on June 1, 2012, which would be the status conference immediately following completion of the briefing schedule (Defendants' Reply will be filed by May 14, 2012). Plaintiffs believe that "at such other time" as offered by Defendants as an alternative, would impose an unnecessary cost in the litigation, including the cost of travel by multiple counsel to Chicago for a hearing that could otherwise take place during a status conference. Second, Plaintiffs will not comment at this time on Defendants' insinuation that Zimmer's Motion to Dismiss could "significantly affect the course" of the MDL litigation, except to say that Plaintiffs' well-pled Master Complaint is a thorough recitation of the facts and legal allegations which more than adequately put the Zimmer

Defendants' on notice of the claims in this MDL, as required under the Federal Rules and case law interpreting same. Plaintiffs will reserve any further comment for their Response in Opposition to Zimmer's Motion to Dismiss.

Dated: March 15, 2012

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on March 15, 2012, a copy of *Plaintiffs' Response to Zimmer's Request for Oral Argument on Motion to Dismiss* was filed electronically. Parties may access this filing through the Court's system

/s/ Tobias L. Millrood.